

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN MARCU, individually and on behalf of all others similarly situated, :
Plaintiff, : 18-CV-11184 (JMF)
-v- :
: ORDER REGARDING
CHEETAH MOBILE, INC., et al., : APPOINTMENT OF LEAD
: PLAINTIFF AND APPROVAL
: OF LEAD COUNSEL
Defendants. :
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JESSE M. FURMAN, United States District Judge:

In light of Chunli Ma's withdrawal of her motion to serve as lead plaintiff in this action, *see* Docket No. 21, only Xuefeng Zhang's ("Zhang") motion for appointment as lead plaintiff and approval of lead counsel remains before the Court, *see* Docket No. 18. Defendant Cheetah Mobile Inc. — the only party to respond to Zhang's motion — does not oppose his appointment as Lead Plaintiff, or the approval of Pomerantz LLP as Lead Counsel. *See* Docket No. 22, at 1.

The Court hereby ORDERS as follows:

1. Having reviewed all pending motions and accompanying memoranda of law, the Court hereby appoints Zhang as Lead Plaintiff in the above captioned action. The Court finds that Zhang satisfies the requirements for Lead Plaintiff pursuant to Section 21D(a)(3)(B)(iii) of the Private Securities Litigation Reform Act of 1995 ("PSLRA").

2. Pomerantz LLP, Lead Plaintiff's choice for Lead Counsel, is hereby appointed as Lead Counsel for the Class in the Action.

3. Lead Counsel shall have the following responsibilities and duties, to be carried out either personally or through counsel whom lead counsel shall designate:

- a. to coordinate the briefing and argument of motions;
- b. to coordinate the conduct of discovery proceedings;
- c. to coordinate the examination of witnesses in depositions;

- d. to coordinate the selection of counsel to act as a spokesperson at pretrial conferences;
- e. to call meetings of the plaintiffs' counsel as they deem necessary and appropriate from time to time;
- f. to coordinate all settlement negotiations with counsel for defendants;
- g. to coordinate and direct the pretrial discovery proceedings and the preparation for trial and the trial of this matter and to delegate work responsibilities to selected counsel as may be required; and
- h. to supervise any other matters concerning the prosecution, resolution or settlement of the Action.

4. No motion, request for discovery, or other pretrial proceedings shall be initiated or filed by any plaintiffs without the approval of Lead Counsel, so as to prevent duplicative pleadings or discovery by plaintiffs. No settlement negotiations shall be conducted without the approval of Lead Counsel.

5. Counsel in any related action that is consolidated with this Action shall be bound by this organization of plaintiffs' counsel.

6. Lead Counsel shall have the responsibility of receiving and disseminating Court orders and notices.

7. Lead Counsel shall be the contact between plaintiffs' counsel, and shall direct and coordinate the activities of plaintiffs' counsel.

8. Defendants shall effect service of papers on plaintiffs by serving a copy of same on lead counsel by overnight mail service, electronic or hand delivery. Plaintiffs shall effect service of papers on defendants by serving a copy of same on defendants' counsel by overnight mail service, electronic or hand delivery.

In light of the foregoing, the conference previously scheduled for February 13, 2019 is CANCELED. Pursuant to the Court's Order of January 3, 2019, *see* Docket No. 13, unless and until the Court orders otherwise, Defendants' response to the Complaint is due within **thirty days of the date of this Order**. Any amended complaint is due by the same date. If an amended complaint is filed, Defendants' response is due within thirty days of its filing.

The Clerk of Court is directed to terminate Docket Nos. 15 and 18.

SO ORDERED.

Dated: February 8, 2019
New York, New York



JESSE M. FURMAN
United States District Judge